

From: [Gantt, Melissa](#)
To: [Eades, Cassandra](#); [Mims, Kathy](#)
Cc: [Moody, Christina](#); [Borum, Denis](#)
Subject: CMS Control - AL-23-000-3489 SUBJECT: Anti-Deficiency Act Question
Date: Tuesday, April 18, 2023 5:52:40 PM

Good Afternoon

The below control is a Congressional Inquiry that was assigned to OGC for response. OGC responded stating that the response should originate with OCIR. Is it possible to close this control and forward the email that was sent to the OCIR email mailbox. The ACC Team would like to ensure that we don't have any outstanding controls in CMS that should be responded to and closed prior to May 5. Thanks in advance for your assistance and please let us know if you have any questions.

v/r

Melissa

-----Original Message-----

From: cmsadmin@epa.gov <cmsadmin@epa.gov>
Sent: Monday, March 27, 2023 4:56 PM
To: Gantt, Melissa <Gantt.Melissa@epa.gov>
Subject: CMS Courtesy Copy - Cassandra Eades - AL-23-000-3489

You are being alerted to control AL-23-000-3489. No action is currently required on your part, but you have been granted the ability to view the control by Cassandra Eades.

Summary Information -
Control Number: AL-23-000-3489
Control Subject: Violation of the Anti-deficiency Act
From: Hoyer, Steny H

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.



Office of Rep. Steny Hoyer (MD05)

Privacy Release Form

I hereby request the assistance of the Office of Rep. Hoyer (MD05) to resolve the matter described below. I authorize Rep. Hoyer and relevant staff to receive any information that they might need to provide this assistance. Under penalty of perjury, the information I have provided to Rep. Hoyer is true and accurate to the best of my knowledge and belief. The assistance I have requested from Rep. Hoyer's office is in no way an attempt to evade or violate any federal, state, or local law.

Here is my relevant identifying information:

Social Security Number:

Date of Birth: (b) (6)

Phone Number: (b) (6)

Email: kateomara (b) (6)

Mortgage Loan Number:

Case Claim Number:

I request assistance in resolving the following problem I am having with:

Environmental Protection Agency

Explanation of the problem:

Please request GAO ruling on:

- Agencies requiring employees to use personal phones (other equipment) to conduct official government business (privacy, security, antideficiency act concerns)
- Agencies are conflating post-COVID-19 remote workplace/telework with "Telework as a Reasonable Accommodation"; EEOC, GAO, OPM and telework.gov prohibit this (see email thread below)

From: Kate O'Mara (b) (6)
Sent: Monday, March 20, 2023 4:27 PM
To: JonesSA@gao.gov
Cc: 'Kate O'Mara' (b) (6)
Subject: FW: Please send cell phone numbers for EVERY remote user. --> Antideficiency Act Question

Dear Ms. Jones:

Based on some rusty Antideficiency Act training and an Appropriations Law determination on gao.gov, it appears clear to me that this request from EPA managers that EVERY remote user (EPA employee) provide their cell phone numbers to be used to conduct official government business is a violation of the ADA. I requested an agency cell phone after I received this request along with notice of my EPA phone cancellation. Today, when I tried to follow-up about an EPA cell phone, my branch chief said that EPA lawyers are trying to figure out whether this is an ADA violation. He added that many people he knows, who work across the Federal government have complied with the same request. I reiterated that I will not use my personal phones for EPA business and they may not publish my personal information or phone numbers.

I believe that in the wake of the COVID-19 pandemic, EPA is also conflating telework with 'Telework as a Reasonable Accommodation' which many EEOC and OPM documents advise against. I have been on full-time telework as reasonable accommodation since 2018. After COVID-19, EPA approved 'remote access (aka telework)' for many employees and took away access to Agency workspace without prior manager approval and recently cancelled EPA phone accounts. Right after they cancelled phone accounts, EPA managers sent this email requiring EVERY remote user to send them their cell phone numbers.

Again, these appear to be very clear Antideficiency Act violations and I am requesting that the GAO provide some clarification to employees, and especially those on Full-time Telework as Reasonable Accommodation.

Sincerely,

Kate O'Mara
kateomara (b) (6)

From: O'Mara, Kate
Sent: Thursday, February 16, 2023 9:28 AM
To: Clarke, Robin <Clarke.Robin@epa.gov>; Anderson, Tonia <Anderson.Tonia@epa.gov>; Corbin, Cameron <corbin.cameron@epa.gov>; Rogers, Rhonda <Rogers.Rhonda@epa.gov>
Cc: Lewis, Danielle <Lewis.Danielle@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Gwinn, Maureen (she/her/hers) <gwinn.maureen@epa.gov>; Lynne, Diane <Lynne.Diane@epa.gov>
Subject: RE: Please send cell phone numbers for EVERY remote user.

"The telecom folks needs personal numbers"

It has been a while since took Antideficiency Act Training while at the U.S. Army Corps of Engineers, but I don't believe that Federal employees are allowed to provide 'personal resources' to the Federal government. For that and other reasons, such as the repeated harassment and retaliation and that my remote access began in 2018, well before COVID because of a Reasonable Accommodation related to harassment and retaliation that exacerbate a Schedule A disability, I am requesting an EPA cell phone with my current EPA phone number to conduct official Agency business. I will remove my AWL from all communications.


Please note that this is a request for an EPA cell phone.

Thanks for your help

Kate O'Mara, Biologist

From: Corbin, Cameron <corbin.cameron@epa.gov>
Sent: Wednesday, February 15, 2023 8:34 AM
To: Anderson, Tonia <Anderson.Tonia@epa.gov>; Clarke, Robin <Clarke.Robin@epa.gov>
Cc: Lewis, Danielle <Lewis.Danielle@epa.gov>
Subject: RE: Please send cell phone numbers for EVERY remote user.

Thanks Tonia!



Signature:

Name: Kate (Kathryn) O'Mara

Date: 03/20/2023

(b) (6)

Wachter, Eric

From: (imailagent) <Steny.Hoyer2@mail.house.gov>
Sent: Monday, March 27, 2023 4:20 PM
To: OCIRmail
Cc: Chakeia.Blocker@mail.house.gov
Subject: Congressional Inquiry- Ms. Kate O'Mara (Intranet Quorum IMA00372709)
Attachments: WF Attachment 971245 Summary_01.txt; Workflow Related Mail Incoming Attachment 971242 19828634 bb11e7ae-70be-47df-b861-18bb21cda205.eml; IQFormatFile.txt



CONGRESSMAN STENY HOYER

THE 5TH CONGRESSIONAL DISTRICT OF MARYLAND

March 27, 2023

Ms. Robin H. Richardson
Deputy Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 WJC North
Washington, DC 20640

Dear Ms. Richardson:

This letter is written to you on behalf of Ms. Kate O'Mara. She has contacted me regarding her concerns with the possible violation of the Anti-deficiency Act. Enclosed is a copy of the constituent's inquiry, which outlines the problem in greater detail. In view of the issues that have been raised, I would greatly appreciate your looking into this matter and advising Ms. Chakeia Blocker of my Southern Region District Office at 4475 Regency Place, Suite 203, White Plains, MD 20695, of your findings. The phone number is 301-843-1577; the email address is: Chakeia.Blocker@mail.house.gov. Due to the COVID19 pandemic and our offices working primarily in telework status, please note email is the preferred method of communication. Looking forward to hearing from you and with kindest regards, I am

Sincerely,

Steny H. Hoyer

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NOTE: Please do not respond to this message, as it comes from an outgoing-only email address that cannot accept replies. If you would like to contact me via email, please do so through my [website's contact page](#).